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Attorneys for Plaintiff

JENNY WOLFES

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JENNY WOLFES,

Plaintiff,

vs.

BURLINGTON INSURANCE COMPANY
AND DOES 1 to 25, Inclusive,

Defendants.

CASE NOS. C07 00696 RMW
C07 04657 RMW

**DECLARATION OF GERALD A.
EMANUEL IN OPPOSITION TO
MOTION TO DISMISS**

I, Gerald A. Emanuel, declare as follows:

1. I, Gerald A. Emanuel, am an attorney with the law firm of Hinkle, Jachimowicz, Pointer & Emanuel, counsel for Plaintiff, Jenny Wolfes ("Wolfes"), in the above-captioned actions.
2. I am over the age of 18 years, and I have personal knowledge of the facts set forth below and, if called upon to testify on such matters, I would and could do so competently.
3. At no time have I ever stated to Burlington's former counsel, Richard C. Rey, II, that this action was filed because Wolfes would be unable to obtain leave to amend the complaint in the action *Jenny Wolfes v. Burlington Insurance Company*, case number C07-00696 RMW ("the Declaratory Relief Action").

1 4. I further deny ever saying anything that could remotely be construed to carry the
2 meaning that this action was filed because Wolfes would be unable to obtain leave to
3 amend the complaint in the Declaratory Relief Action.

4 I declare, under the penalty of perjury under the laws of the State of California and the laws of
5 the United States, that the foregoing is true and correct. Executed this 22nd day of February,
6 2008, at San Jose, California.

7 /s Gerald A. Emanuel

8 Gerald A. Emanuel
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